

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

PEGGY YOUNG

v.

UNITED PARCEL SERVICE, INC.

:

:

: Civil Action No. DKC 08-2586

:

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**MEMORANDUM OPINION AND ORDER**

By a memorandum opinion and order issued February 14, 2011, summary judgment was entered in favor of Defendant United Parcel Service, Inc., and against Plaintiff Peggy Young. Following the denial of her motion for reconsideration, Plaintiff appealed to the United States Court of Appeals for the Fourth Circuit, which unanimously affirmed. *See Young v. United Parcel Service, Inc.*, --- F.3d ----, 2013 WL 93132 (4<sup>th</sup> Cir. 2013). In response to a bill of costs submitted by Defendant, Plaintiff filed the pending motion to stay consideration of the bill of costs pending the Supreme Court's decision on her petition for writ of *certiorari*. (ECF No. 127).

Although the court has discretion to stay taxation of costs until disposition on a petition for *certiorari*, *see American Infra-Red Radiant Co. v. Lambert Industries, Inc.*, 41 F.R.D. 161 (D.Minn. 1966), it declines to exercise that discretion here. Local guidelines of the clerk's office provide for a stay

pending direct appeal to the Fourth Circuit, but apply only to appeals of right. Review by the Supreme Court is seldom granted, particularly where, as here, the underlying appellate decision was unanimous. Thus, granting a stay would, in all likelihood, only delay taxation of the costs to which Defendant is presumptively entitled as the prevailing party. See Fed.R.Civ.P. 54(d); *Cherry v. Champion Int'l Corp.*, 186 F.3d 442, 446 (4<sup>th</sup> Cir. 1999).

Nevertheless, 28 U.S.C. § 2101(f) provides that "[i]n any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court." A stay of execution may be granted by "the judge of the court rendering the judgment" or "by a justice of the Supreme Court, and may be conditioned on the giving of security[.]" 28 U.S.C. § 2101(f). Pursuant to that provision, after costs are determined, Plaintiff may request a stay of execution of the judgment, but will be required to post a security bond.

Accordingly, it is this 20<sup>th</sup> day of March, 2013, by the United States District Court for the District of Maryland, ORDERED that:

1. Plaintiff's motion for extension of time to oppose bill of costs (ECF No. 127) BE, and the same hereby IS, DENIED;

2. Plaintiff's response in opposition to Defendant's Bill of Costs is now due on or before April 3, 2013; and

3. The clerk is directed to transmit copies of this Memorandum Opinion and Order to counsel for the parties.

\_\_\_\_\_/s/\_\_\_\_\_  
DEBORAH K. CHASANOW  
United States District Judge